Criminal Revision No.526 of 2003

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Jarnail Singh Versus Mohinder Singh and others

Present: Mr.Jasmer Singh Verka, Advocate,
for the petitioner.

Mr.M.C.Berry, Sr.DAG, Punjab,
for the State.

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The acquittal in this case has been recorded on the ground that there was 96 days delay in filing the complaint, which remained un-explained. It was further noticed that the case of the complainant was supported by witnesses, who are interested or related. One independent witness Darshan Singh was produced before framing of charge, but did not appear subsequently for the purposes of cross-examination. Injury stated to have been caused was found to be old, whereas in the medical evidence it was shown to be a bleeding injury. The learned counsel for the petitioner has very strenuously argued that the delay in this case has occurred because initially the police did not act in the matter and as such the complaint was filed only after seeing the attitude of the police. He has further made a grievance that the complaint was sent for investigation to the same Station House Officer, who had earlier refused to register this case. The medical evidence, as per the counsel, clearly stand in support of the version of the complainant. Even if two views in a case are possible that would not be a valid

ground for interfering in revision as held by the Hon'ble Supreme Court in Ashok Kumar v. State of Rajasthan, 1991(1) SCC 166. I do not find any perversity in the reasoning given by the trial Court. No case for interference is made out.

Dismissed.

December 04, 2006 (RANJIT SINGH)
ramesh JUDGE